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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,743	12/10/2003	David P.H. Gorbet	13768.810.57	6668

47973 7590 03/07/2007  
WORKMAN NYDEGGER/MICROSOFT  
1000 EAGLE GATE TOWER  
60 EAST SOUTH TEMPLE  
SALT LAKE CITY, UT 84111

EXAMINER
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WATT, CHRIS A

ART UNIT	PAPER NUMBER
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2174

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/07/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/732,743	<b>Applicant(s)</b> GORBET ET AL.	
	<b>Examiner</b> Chris Watt	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcorn et al. ("Alcorn" US Patent No. 6,988,138) in view of Bjornestad et al. ("Bjornestad" US Patent No. 7,003,576) and Ward ("Ward" US Patent Application Publication No. 2002/0138841).

Regarding independent claim 1, Alcorn teaches a method of enabling an organization to control user assignments and assessment results while enabling a proprietary provider to maintain control over distribution of proprietary content through an electronic network and over use of a proprietary assessment function (i.e. col. 23 line 32 et seq. of Alcorn : " It provides insight into the effectiveness of certain assignments and provides a bridge for allowing instructor-assessment of assignment and class content" ) comprising the steps of (a) enabling the organization to provide an assignment to a user through a browser controlled by the organization (i.e. col. 32 line 12 et seq. of Alcorn : "Selection of the assignments hyperlink provides a web page including a group of course assignments" ) the assignment requiring the user to interact with the proprietary content through the browser (i.e. col. 47 line et seq. of Alcorn : "A proprietary package definition (required by a proprietary package specification)" ) (b)

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providing the browser with a link the link indicating access to the proprietary content that is controlled by the proprietary provider (c) upon activation of the link in the browser by the user communicating a request for the proprietary content (d) accessing a proprietary content uniform resource locator (URL) identifying a location of the proprietary content at a proprietary network node controlled by the proprietary provider (i.e. col. 25 line 17 et seq. of Alcorn : " The Off-Campus Learning Partnerships link allows the user to add, modify, and edit hyperlinks to web sites with which the institution has formed various learning partner arrangements; for example, a link to the KAPLAN or TUTORNET web sites" ). Alcorn does not teach access to a learning management system (LMS), (e) causing the LMS to provide a message back to the browser the message including hidden data and the proprietary content URL the message causing the browser to automatically request the proprietary content from the proprietary network node at the proprietary content URL or (f) causing the proprietary provider to return the proprietary content to the browser so that the user can interact with the proprietary content.

Bjornestad teaches access to the learning management system (LMS) (i.e. col. 7 line 2 et seq. of Bjornestad : " The content developer provides content which a student accesses in an LMS" ). It would have been obvious to an artisan at the time of the invention to combine the access to the LMS of Bjornestad with the control over proprietary content of Alcorn because " A significant advantage for the student is that due to the openness in the system, he/she has one access point to all e-Learning content, access to external content without anew log in, and being a part of an extended (more than company's or a particular provider's) e-Learning network" (col. 7 line 56 et

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seq. of Bjornestad). Alcorn and Bjornestad do not teach (e) causing the LMS to provide a message back to the browser the message including hidden data and the proprietary content URL the message causing the browser to automatically request the proprietary content from the proprietary network node at the proprietary content URL or (f) causing the proprietary provider to return the proprietary content to the browser so that the user can interact with the proprietary content.

Ward teaches (e) causing the LMS to provide a message back to the browser the message including hidden data and the proprietary content URL the message causing the browser to automatically request the proprietary content from the proprietary network node at the proprietary content URL (i.e. [0146] et seq. of Ward : "At Step 1660, the student's browser issues an HTTP request for the resource from the new origin server determined and coded into the URL in Step 1640" ) It would have been obvious to an artisan at the time of the invention to combine the URL content data of Ward with the access to the LMS of Bjornestad and the control over proprietary content of Alcorn to allow "the URL of the embedded resources" to be "modified based on the location of the external caching origin server" ([0140] et seq. of Ward ). Ward additionally teaches (f) causing the proprietary provider to return the proprietary content to the browser so that the user can interact with the proprietary content (i.e. [0088] et seq. of Ward : "A web server can be configured to accept requests from Internet web browsers and return the appropriate electronic documents pursuant to the request" ).

Regarding dependent claim 2, see the analysis of claim 1 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 1, wherein the

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proprietary content comprises at least one of text data, graphics data, audio data, and learning assessment data (i.e. col. 23 line 32 et seq. of Alcorn : " It provides insight into the effectiveness of certain assignments and provides a bridge for allowing instructor-assessment of assignment and class content" ).

Regarding dependent claim 3, see the analysis of claim 1 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 1, wherein the request for the proprietary content and the message each comprise a hidden hypertext markup language data form (i.e. col. 29 line 6 et seq. of Alcorn : "Information transferred from a registration server may also be used to fill in some form fields" ).

Regarding dependent claim 4, see the analysis of claim 1 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 1, wherein at least one of: (a) the request includes the proprietary content URL; and (b) the message includes a results receiver URL identifying a location to which the proprietary provider is to send the assessment results indicating the user's interaction with the proprietary content (i.e. [0146] et seq. of Ward : "At Step 1660, the student's browser issues an HTTP request for the resource from the new origin server determined and coded into the URL in Step 1640" ).

Regarding dependent claim 5, see the analysis of claim 1 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 1, further comprising the step of providing to the browser a quit link to the LMS, wherein the quit link comprises an early termination URL identifying a location of the LMS to which the browser is redirected by the proprietary network node if the user chooses to return to

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interacting with the LMS without submitting any information to the proprietary network node (i.e. col. 1 line 44 et seq. of Bjornestad : " The above-described conventional remote education methods generally cause users to be restricted by time and/or location" ).

Regarding dependent claim 6, see the analysis of claim 1 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 1, further comprising the step of providing to the browser a submit link to the proprietary assessment function controlled by the proprietary provider, wherein the submit link comprises a results receiver URL identifying a location of a results receiver that is controlled by the organization and that is to receive the assessment results generated by the proprietary assessment function as a result of the user's interaction with the proprietary content (i.e. col. 29 line 13 et seq. of Alcorn : "After a student has entered necessary information ... and submitted the form (Block 3602), some information ... may be transmitted to a ... validation server (Block 3604)" ).

Regarding dependent claim 7, see the analysis of claim 6 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 6, further comprising the steps of: (a) upon activation of the submit link, communicating a results request for the assessment results from the browser to the proprietary assessment function, the results request including the results receiver URL; and (b) causing the proprietary assessment function to generate the assessment results and to provide a result message back to the browser, the result message including the assessment results and the results receiver URL, and the result message causing the browser to

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automatically communicate the assessment results to the results receiver at the results receiver URL (i.e. col. 23 line 26 et seq. of Alcorn : "illustrates a web page 2200 entitled "Course Gradebook", which provides a variety of information including consolidated grades, individual assignment/test scores, direct access to specific assignments or tests by student, or a look at a specific test with aggregated results" ).

Regarding dependent claim 8, see the analysis of claim 7 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 7, further comprising the steps of: (a) causing the proprietary results provider to at least one of: (i) digitally sign the assessment results prior to causing the proprietary assessment function to provide the result message back to the browser; and (ii) encrypt the assessment results prior to causing the proprietary assessment function to provide the result message back to the browser; and (b) causing the results receiver to authenticate the digitally signed assessment results (i.e. col. 29 line 13 et seq. of Alcorn : "After a student has entered necessary information ... and submitted the form (Block 3602), some information ... may be transmitted to a ... validation server (Block 3604)" ).

Regarding dependent claim 9, see the analysis of claim 7 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 7, wherein the assessment results comprise at least one of an indication that the user interacted with the proprietary content and an evaluation of the user's performance in interacting with the proprietary content (i.e. col. 9 line 40 et seq. of Alcorn : "System 100 provides multiple levels of access restrictions to enable different types of users to effectively



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interact with the system, such as, access web pages, upload or download files, view grade information, while preserving confidentiality of information" ).

Regarding dependent claim 10, see the analysis of claim 1 above. Alcorn, in combination with Bjornestad and Ward teaches a memory medium on which are stored machine instructions for carrying out the steps of claim 1 (see FIGS. 1, 2 and 39 of Alcorn as well as the analysis of claim 1).

Regarding dependent claim 11, see the analysis of claim 7 above. Alcorn, in combination with Bjornestad and Ward teaches a memory medium on which are stored machine instructions for carrying out the steps of claim 7 (see FIGS. 1, 2 and 39 of Alcorn as well as the analysis of claim 7).

Regarding independent claim 12, Alcorn teaches a system for enabling an organization to control user assignments and assessment results while enabling a proprietary provider to maintain control over distribution of proprietary content through an electronic network and over use of a proprietary assessment function, wherein a user has coupled in communication with the system to obtain an assignment, comprising: (a) a processor; (b) a network interface in communication with the processor and the electronic network; and (c) a memory in communication with the processor, the memory storing machine instructions that cause the processor to carry out a plurality of functions, including: (i) in response to a user selecting an assignment, communicating an assignment web page that includes assignment information to a browser of a user, the assignment information being associated with a link to the proprietary content that is disposed at a remote location (i.e. col. 17 line 22 et seq. of

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Alcorn : " That is, the instructor is provided with a complete set of navigational buttons for accessing announcements, course information, staff information, course documents, assignments, communication tools, external links, and student tools for a given course that he is teaching" ). Alcorn does not teach (ii) in response to a user selection in the assignment web page, transmitting an instruction to redirect the browser to an address where the proprietary content is accessible at a proprietary network node or (iii) receiving a message from the browser, said message including proprietary data indicating results of a user interacting with the proprietary content, the results being one of hidden from a user and not hidden from a user.

Bjornestad teaches access to the proprietary content at a network node through a learning management system (LMS) (i.e. col. 7 line 2 et seq. of Bjornestad : " The content developer provides content which a student accesses in an LMS" ). It would have been obvious to an artisan at the time of the invention to combine the access to the proprietary content of Bjornestad with the control over system assignments content of Alcorn because " A significant advantage for the student is that due to the openness in the system, he/she has one access point to all e-Learning content, access to external content without anew log in, and being a part of an extended (more than company's or a particular provider's) e-Learning network" (col. 7 line 56 et seq. of Bjornestad). Alcorn and Bjornestad do not teach (iii) receiving a message from the browser, said message including proprietary data indicating results of a user interacting with the proprietary content, the results being one of hidden from a user and not hidden from a user.

Ward teaches providing a message back to the browser the message including hidden data and the proprietary content (i.e. [0146] et seq. of Ward : "At Step 1660, the student's browser issues an HTTP request for the resource from the new origin server determined and coded into the URL in Step 1640" ) It would have been obvious to an artisan at the time of the invention to combine the proprietary content data of Ward with the access to the proprietary content of Bjornestad and the control over system assignments content of Alcorn to allow "the URL of the embedded resources" to be "modified based on the location of the external caching origin server" ([0140] et seq. of Ward ).

Regarding dependent claim 13, see the analysis of claim 12 above. Alcorn, in combination with Bjornestad and Ward teaches the system of claim 12, wherein the proprietary content comprises at least one of text data, graphics data, audio data, and learning assessment data (i.e. col. 23 line 32 et seq. of Alcorn : " It provides insight into the effectiveness of certain assignments and provides a bridge for allowing instructor-assessment of assignment and class content" ).

Regarding dependent claim 14, see the analysis of claim 12 above. Alcorn, in combination with Bjornestad and Ward teaches the system of claim 12, wherein the instruction to redirect the browser and the message from the browser each comprise a hypertext markup language data form (i.e. col. 29 line 6 et seq. of Alcorn : "Information transferred from a registration server may also be used to fill in some form fields" ).

Regarding dependent claim 15, see the analysis of claim 12 above. Alcorn, in combination with Bjornestad and Ward teaches the system of claim 12, wherein the

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machine instructions further cause the processor to carry out the function of providing to the browser a submit link, wherein the submit link comprises a results receiver URL identifying a location of a results receiver module of the machine instructions that receives the message from the browser, the message including the proprietary data (i.e. col. 29 line 13 et seq. of Alcorn : "After a student has entered necessary information ... and submitted the form (Block 3602), some information ... may be transmitted to a ... validation server (Block 3604)" ).

Regarding dependent claim 16, see the analysis of claim 12 above. Alcorn, in combination with Bjornestad and Ward teaches the system of claim 12, wherein the machine instructions further cause the processor to carry out at least one of the functions of: (a) validating a digital signature applied by the proprietary provider to the proprietary data of the message received from the browser; and (b) decrypting the message received from the browser (i.e. col. 29 line 13 et seq. of Alcorn : "After a student has entered necessary information ... and submitted the form (Block 3602), some information ... may be transmitted to a ... validation server (Block 3604)" ).

Regarding dependent claim 17, see the analysis of claim 12 above. Alcorn, in combination with Bjornestad and Ward teaches the system of claim 12, wherein the proprietary data comprise at least one of an indication that the user interacted with the proprietary content and an evaluation of the user's performance in interacting with the proprietary content (i.e. col. 9 line 40 et seq. of Alcorn : "System 100 provides multiple levels of access restrictions to enable different types of users to effectively interact with

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the system, such as, access web pages, upload or download files, view grade information, while preserving confidentiality of information" ).

Regarding independent claim 18, Alcorn teaches a method for controlling distribution of proprietary data through an electronic network and controlling use of a proprietary function that assesses a user's interaction with the proprietary data (i.e. col. 27 line 8 et seq. of Alcorn : " The Create Organization, Manage Organization, Organization Utilities, and Organization Catalog links allow the user to obtain similar control and functionality with organizations as with courses as described above" ), comprising the steps of: (a) providing a proprietary data uniform resource locator (URL) to a user management system that interfaces with a user over the electronic network through a browser (i.e. col. 7 line 67 et seq. of Alcorn : "Specifically, shell service 131 servlet uses the URL-encoded information contained in HTTP requests received from web browser 120 clients to invoke the corresponding requested application subsystem 110 or core subsystem 150" ); Alcorn does not teach (b) receiving a request from the browser for access to the proprietary data, wherein the request was initiated by the user management system and redirected through the browser to the proprietary data URL; (c) communicating the proprietary data to the browser; (d) receiving from the browser an indication of the user's interaction with the proprietary data through the browser; or (e) performing the proprietary function based on the indication of the user's interaction with the proprietary data to assess the user's interaction with the proprietary data.

Bjornestad teaches access to the proprietary content through a learning management system (LMS) (i.e. col. 7 line 2 et seq. of Bjornestad : " The content

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developer provides content which a student accesses in an LMS" ). It would have been obvious to an artisan at the time of the invention to combine the access to the proprietary content of Bjornestad with the control over proprietary data content of Alcorn because " A significant advantage for the student is that due to the openness in the system, he/she has one access point to all e-Learning content, access to external content without anew log in, and being a part of an extended (more than company's or a particular provider's) e-Learning network" (col. 7 line 56 et seq. of Bjornestad). Alcorn and Bjornestad do not teach (c) communicating the proprietary data to the browser; (d) receiving from the browser an indication of the user's interaction with the proprietary data through the browser; or (e) performing the proprietary function based on the indication of the user's interaction with the proprietary data to assess the user's interaction with the proprietary data.

Ward teaches providing a message back to the browser for functionality the message including hidden data and the proprietary content (i.e. [0146] et seq. of Ward : "At Step 1660, the student's browser issues an HTTP request for the resource from the new origin server determined and coded into the URL in Step 1640" ) It would have been obvious to an artisan at the time of the invention to combine the proprietary content data of Ward with the access to the proprietary content of Bjornestad and the control over system assignments content of Alcorn to allow "the URL of the embedded resources" to be "modified based on the location of the external caching origin server" ([0140] et seq. of Ward ).

Regarding dependent claim 19, see the analysis of claim 18 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 18, wherein the indication of the user's interaction with the proprietary data comprises responses to tasks presented to the user in the proprietary data (i.e. col. 9 line 40 et seq. of Alcorn : "System 100 provides multiple levels of access restrictions to enable different types of users to effectively interact with the system, such as, access web pages, upload or download files, view grade information, while preserving confidentiality of information" ).

Regarding dependent claim 20, see the analysis of claim 18 above. Alcorn, in combination with Bjornestad and Ward teaches the method of claim 18, further comprising the steps of: (a) producing results data based on the performance of the proprietary function; and (b) communicating the results data to the browser with an instruction to the browser to redirect the results data to the user management system (i.e. col. 23 line 34 et seq. of Alcorn : " The functions provided on the Online Gradebook web page in the assessment area of the control panel include Report By User (used to find a specific user and view statistics, assessment results, and modification of any scores for a user), Report By Item (used to view information about a specific gradebook item), Spreadsheet View" ).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Watt whose telephone number is (571) 270-1046. The examiner can normally be reached on Monday-Thursday 6:30-4:00 Eastern.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 276-5619. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris A. Watt/

March 1, 2007

CAW

  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100